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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/022,610 | 12/17/2001 | Werner Stoeckl | GR99P2038P | 2388 |
| 24131 | 7590 | 11/07/2005 | EXAMINER | |
| LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480 | | | HSU, ALPUS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2665 | |

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,610

Applicant(s)

STOECKL ET AL.

Examiner

Alpus H. Hsu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments with respect to claims 1, 3-17 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over TERRY in U.S. Patent No. 6,061,356 in view of ZHANG et al. in U.S. Patent No. 6,396,833 (both newly cited).

Referring to claims 1, 3-11, TERRY discloses a method for transmitting data from a first router device (804), connected to a communications network (806) through a network gateway unit (808), through the communications network to a second router device (810), which comprises: providing a hardware address according to a routing protocol used to identify a second router device located downstream with respect to a data path leading to a transmission destination; allocating the hardware address to data to be transmitted with the first router device

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dependent upon the transmission destination of the data; transmitting the hardware address and the data from the first router device to the network gateway unit; checking, with the network gateway unit, whether or not the transmitted hardware address matches a hardware address stored in a memory of the network gateway unit and, in the event of a positive check result: allocating a network address to the data with the network gateway unit, the network address being allocated to the transmitted hardware address in the network gateway unit and identifying an exit point of the communications network; forwarding the network address and the data from the network gateway unit into the communications network after conversion according to a transmission protocol used in the communications network; and transmitting the data from the communications network to the exit point defined by the network address, the exit point being where the data is fed to the second router device (col. 5, line 48 to col. 6, line 12, col. 13, line 5 to col. 14, line 2).

TERRY differs from the claim, in that, it does not disclose a physical implementation of network gateway between the router and the network, which is well known in the art and commonly applied in data communications field for protocol conversion purpose.

ZHANG et al., for example, from the similar field of endeavor, teaches the physical implementation of network gateway (82) between the router (84) and the network (96), which can be easily adopted by one of ordinary skill in the art to implement into the method in TERRY to provide physical implementation of protocol conversion to meet the system specification and requirement.

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5. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZHANG et al. in U.S. Patent No. 6,396,833 (newly cited) in view of MENDELSON et al. in U.S. Patent No. 6,343,083 (of record).

Referring to claims 12-16, ZHANG et al. discloses in a communications system having router devices, first of the router devices (84) being connected to a communications network (96) through a network gateway unit (82), the communications network utilizing a transmission protocol, the network gateway unit transmitting data from a first router device through the communications network to another one of the router devices (90), providing the network gateway unit comprising: an allocation table (304) for storing hardware addresses each respectively allocated to a network address and identifying an exit point of the communications network to a relevant one of the router devices, the first router device using the hardware addresses to identify another one of the router devices; an address-checking device (312) determining if a hardware address arriving from the first router device matches one of the hardware addresses in said allocation table, said address-checking device connected to said allocation table; an address allocation device (302 & 308) allocating data arriving from the first router device, the data being allocated to a respective one of the hardware addresses, to a network address allocated to the respective one of the hardware addresses in said allocation table, said address allocation device connected to said allocation table.

ZHANG et al. differs from the claim, in that, it does not disclose a protocol conversion device within the network gateway unit for converting and transmitting the data arriving from the first router device according to the transmission protocol.

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MENDELSON et al., for example, from the similar field of endeavor, teaches a protocol conversion device (not shown) within a network gateway unit (242) for converting and transmitting the data arriving from the first router device according to the transmission protocol (col. 10, line 50 to col. 11, line 7), which can be easily adopted by one of ordinary skill in the art to implement into the method provided from the teaching of ZHANG et al. to provide the system with protocol conversion capability to further improve the system flexibility and compatibility.

Referring to claim 17, MENDELSON et al. discloses the communications network is an asynchronous transfer mode network (210).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpous H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AHH

A handwritten signature in black ink, appearing to read 'Alpus H. Hsu'.

Alpus H. Hsu
Primary Examiner
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